

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alessandri Examiner: Jerome W. Donnelly
 Application Number: US10/674,447 Art Unit: 3764
 Confirmation Number: 4122
 Filing Date: September 29, 2003
 Title: EXERCISING MACHINE

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT LETTER

This Supplemental Information Disclosure Statement Letter (hereinafter sometimes referred to as "IDS") is submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98, and it is requested that the information set forth in this statement and in the documents, listed on the attached Form PTO/SB/08A (Form PTO-1449), be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

TIMELINESS

This IDS should be considered, as it is filed:

- ☒ in accordance with 37 C.F.R. § 1.97(b):
- ☐ 1. within three months of the filing date of the above-identified national application.
 - ☐ 2. within three months of the date of entry of the national phase as set forth in 37 C.F.R. § 1.491 in the above-identified application being an international application.
 - ☐ 3. before the mailing date of a first office action on the merits.
 - ☒ 4. before the mailing date of a first office action after the filing of a request for continued examination (RCE) under 37 C.F.R. § 1.114.

☐ in accordance with 37 C.F.R. § 1.97(c), after the times set forth in 37 C.F.R. § 1.97(b), but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, and the fee set forth in 37 C.F.R. § 1.17(p), presently believed to be \$ 180.00, is submitted.

PAYMENT OF FEES

If any fees are due in accordance with 37 C.F.R. §§ 1.97(c) or (d):

☐ A check for the fee set forth in 37 C.F.R. § 1.17(p), presently believed to be \$ 180.00, is enclosed.

☐ Authorization to charge deposit account 01-0035 for the fee set forth in 37 C.F.R. § 1.17(p), presently believed to be \$ 180.00, is enclosed.

☒ No fees are due.

SUBMISSION OF ITEMS OF INFORMATION

In accordance with 37 C.F.R. § 1.98(a)(1), this IDS includes a list on Form PTO/SB/08A (Form PTO-1449) of all patents, publications, or other information submitted for consideration by the Office, incorporated into this IDS as an attachment hereto. Pursuant to 37 C.F.R. § 1.98(b): (i) each U.S. patent listed is identified by patentee, patent number, and issue date; (ii) each foreign patent or published foreign patent application is identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application; and (iii) each publication is identified by author (if any), title, relevant pages of the publication, date, and place of publication. A legible copy of each document listed is attached and incorporated into this IDS, except that no copy of any U.S. patent or patent application is included pursuant to 37 C.F.R. § 1.98(a)(2)(iii) and except as explained below.

RELEVANCE AND DISCUSSION OF THE ITEMS OF INFORMATION

☒ Documents 6,238,323; 6,387,020; 6,422,980; and WO01/66195 are listed and discussed on pages 3-4 and 6-9 of the present application.

☐ Other:

In accordance with 37 C.F.R. §§ 1.97(g) and 1.97(h), the filing of this IDS shall not be construed as a representation that a search has been made or as an admission that information cited in this IDS is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Please charge any deficiency or other fees or credit any refund or overpayment to Deposit Account No. 01-0035.

Respectfully submitted,

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Date: July 18, 2008

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